



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,768	05/01/2001	John Todd Bergman	1420.001US1	4951

7590

02/03/2003

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2643

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,768

Applicant(s)

Jihn Tidd Bergman et al.

Examiner

Melur. Ramakrishnaiah

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

Art Unit: 2643

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7-8, 21-22, 31-34, are rejected under 35 U.S.C 102(e) as being anticipated by Bruinus (US PAT: 6,204,760B1).

Regarding claims 1 and 31, Bruinus discloses a method of phone interface device, comprising: receiving a provisional alarm report, determining whether a disarm command has been received subsequent to receipt of provisional alarm report, and when disarm command has

Art Unit: 2643

not been received before expiration of a period of time, sending a system condition to a monitoring station (col. 7 lines 29-64).

Regarding claim 6, Bruinus discloses a control panel comprising: receiver to receive a sensor event from a security device (14, 16, etc, fig. 1), a controller (42, fig. 2) to translate the sensor event into a system condition, and a transmitter in (14, fig. 2) to transmit a wireless signal to a phone interface device (12, figs. 1-2, col. 6 lines 39-41), wherein wireless signal encodes information regarding the system condition (col. 5 lines 51-58, col. 6 lines 33-41).

Regarding claim 7, Bruinus discloses a phone interface device comprising: a receiver in (12, fig. 2) to receive wireless signal from a control panel (28, fig. 2, col. 6 lines 39-41), wherein the wireless signal encodes information regarding a system condition (col. 5 lines 51-58), a phone port in (24, fig. 1) to connect to a communication link, where phone port is to dial a telephone number to a monitoring station in response to receiving the wireless signal (note: dialing is implied in as much as the reference teaches notifying a security agency of the alarm condition, note: col. 8 lines 28-43).

Regarding claim 21, Bruinus further discloses a security system, comprising: a control panel (28, fig. 2) to receive a sensor event from a security device (30, 32, etc, fig. 2), to translate the sensor event into a system condition, and to transmit a wireless signal to a phone interface device (12, fig. 2), wherein the wireless signal encodes information regarding the system condition, and a phone interface device to receive a wireless signal from the control panel,

Art Unit: 2643

wherein the phone interface device is packaged separately from the control panel (col. 5 lines 51-58, col. 6 lines 33-41).

Regarding claims 2-4, 8, 22, 32-34, Bruinus further teaches the following: wireless signal is a radio frequency signal (col. 6 lines 39-41), seizing the telephone line, and calling the monitoring station via the telephone line (this is implied in as much as the reference teaches notifying a security agency of the alarm condition, note: col. 8 lines 28-43), communication link is a telephone line (see fig. 1), phone interface (12) further comprises a phone port to connect to a telephone line, wherein the phone port is to dial a telephone number of monitoring station in response to wireless signal (note: dialing a telephone number is implied in as much as the reference teaches notifying a security agency of the alarm condition, note: col. 8 lines 28-43), provisional alarm report is received via wireless signal/radio frequency signal (col. 6 lines 39-41).

3. Claims 11-12, 14, 16-20, are rejected under 35 U.S.C 102(b) as being anticipated by Heald et al. (US PAT: 5,553,138, hereinafter Heald).

Regarding claim 11, Heald discloses a phone interface, comprising: a phone port to draw electrical energy from a phone line, wherein the phone port is part of a premises phone system, and wherein the electrical energy is drawn from the phone line is within a current and voltage profile of the premises phone system (col. 4 lines 19-57).

Regarding claims 12, 14, 16-20, Heald further teaches the following: an energy storage device, wherein electrical energy is drawn from the phone line charges the energy storage device, energy storage device is a capacitor (col. 4 lines 48-51), energy is drawn while premises phone is

Art Unit: 2643

off-hook, electrical energy is drawn while the phone port checks the line for proper voltages, electrical energy is drawn while the phone port is dialing, energy is drawn during a connected call, energy is drawn after an off-premises call hangs up (col. 2 lines 23-61).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 10, and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Dop et al. (US PAT: 4,887,290, hereinafter Dop).

Regarding claims 5, 10, 35, Bruinus does not teach the following: determining whether calling element is successful, and when calling element is not successful, sending the alarm condition to the monitoring station via an alternative communication link, and communication link is wireless.

However, Dop discloses cellular alarm backup system which teaches the following: determining whether calling element is successful, and when calling element is not successful, sending the alarm condition to the monitoring station via an alternative communication link, and communication link is wireless (col. 1 lines 62-68).

Art Unit: 2643

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus' system to provide for the following: determining whether calling element is successful, and when calling element is not successful, sending the alarm condition to the monitoring station via an alternative communication link, and communication link is wireless as this arrangement would provide a backup system for transmitting alarm information to central monitoring station in case of failure of the main communication system as taught by Dop, thus enhancing the security for the subscribers in case of emergency.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Peters (US PAT: 5,717,379).

Regarding claim 9, Bruinus does not teach the following: communication link is an ISDN line.

However, Peters discloses remote monitoring system which teaches the following: communication link is an ISDN line (fig. 1, col. 3 lines 24-29).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus' system to provide for the following: communication link is an ISDN line as this arrangement would provide another alternative for communication link for monitoring remote premises as taught by Peters.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heald in view of Ulrich (US PAT: 4,803,719).

Art Unit: 2643

Regarding claim 13, Heald does not teach the following: energy storage device is a battery.

However, Ulrich discloses method for powering telephone apparatus which teaches the following: energy storage device is a battery (23, fig. 1, col. 4 lines 1-9).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Heald's system to provide for the following: Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus' system to provide for the following as this arrangement would provide immediate power in case of need to control the telephone circuitry as taught by Ulrich.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heald in view of MacTaggart (US PAT: 5,446,784).

Regarding claim 15, Heald does not teach the following: electrical energy is drawn from the phone line during a phone line state of ringing.

However, MacTaggart discloses apparatus for coupling a telephone line which teaches the following: electrical energy is drawn from the phone line during a phone line state of ringing (col. 8 lines 4-7).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Heald's system to provide for the following: electrical energy is drawn from the phone line during a phone line state of ringing as this arrangement would provide another alternative to obtain power for operating the communication device as taught by MacTaggart.

Art Unit: 2643

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Otto (US PAT: 6,442,240B1, hereinafter Otto).

Regarding claim 23, Bruinus does not teach the following: although it is implicit, he does not explicitly teach that control panel receives alternating electrical current.

However, Otto discloses hostage negotiating system which teaches the following: the control panel receives alternating electrical current (fig. 7 col. 6 lines 22-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus's system to provide for the following: control panel receives alternating electrical current as this would provide necessary power to make it operational.

10. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald.

Regarding claims 24 and 27, Bruinus does not teach the following: phone interface device receives direct electric current from an energy storage device and phone interface device receives electrical power from a telephone line.

However, Heald teaches the following: phone interface device receives direct electric current from an energy storage device and phone interface device receives electrical power from a telephone line (col. 4 lines 19-57).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus's system to provide for the following: phone interface device receives direct electric current from an energy storage device and phone interface device receives

Art Unit: 2643

electrical power from a telephone line as this arrangement would provide electrical energy to operate the communication device by obtaining electrical energy from an existing telephone service as taught by Heald, thus making it economical for the user to derive electrical energy from the telephone service.

11. Claims 25-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 24 above, and further in view of Ulrich.

Regarding claim 25, the combination does not teach the following: storage device comprises a battery.

However, Ulrich teaches that storage device is a battery (col. 4 lines 1-9).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: storage device comprises a battery as this arrangement would provide immediate power in case of need to control the telephone circuitry as taught by Ulrich.

Regarding claim 26, the combination teaches the following: storage device comprises a capacitor (col. 4 lines 47-51 of '138 patent).

12. Claims 28-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Addy (US PAT:6,288,639B1).

Regarding claims 28-30, Bruinus does not teach the following: phone interface device is mounted in a separate enclosure from: the control panel, an input device, from a siren.

Art Unit: 2643

However, Addy discloses low power installation of wireless security system devices which teaches the following: phone interface device (30, fig. 1) is mounted in a separate enclosure from: the control panel (10), an input device (40), from a siren (20, fig. 1, col. 4 lines 19-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus's system to provide for the following: phone interface device is mounted in a separate enclosure from: the control panel, an input device, from a siren as this arrangement would provide one of the ways, among many ways possible, to set up the alarm system as shown by Addy.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

14. **Any response to this action should be mailed to:**

Art Unit: 2643

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

PRIMARY EXAMINER

Art Unit 2643.